

MARSHALL * REPUBLICAN.

Bailey followed him from the office, both angry.

Daniel Saylor of Malta Bend called to the stand, but his evidence was thrown out by objection of state's attorneys, sustained by court.

J. T. LINE.

J. T. Line, hardware merchant of Malta Bend, stated the reputation of Tom Purcell was good. Witness stated he thought he was the only dealer handling Peters' cartridges; never did hear of Tom Purcell drawing revolver on Keith in restaurant. Witness denied that he had heard that Tom Purcell had been taken home from a church social, drunk, after a struggle, by his father and police. Denied that he had ever heard Purcell drew a shotgun on young Story while on the creek.

H. H. BRIGGS.

H. H. Briggs, living south-west of Malta Bend, had known Purcell for a long time, affirmed his general reputation to have been good up to the time of the shooting. Said he lived $4\frac{1}{2}$ miles from Malta Bend and during past year had been in that town about once a month. Had never heard of the troubles mentioned to preceding witness.

J. M. SCHOOLEY.

J. M. Schooley, resident of Malta Bend, stated that Purcell's reputation was a good one. Cross examined as to troubles at church supper and restaurant, said he had not heard of them.

TRENT.

Mr. Trent, assistant cashier of Bank of Blackburn left Malta Bend January 99, stated Purcell's reputation was good when he left, did not know now, what it was in Malta Bend.

H. H. MORTON.

H. H. Morton of Malta Bend, had known Purcell seven years, said Purcell's reputation was tolerably good. Cross examined as to festival and restaurant incidents but denied having heard of either.

D. K. MILLER.

D. K. Miller, farmer living four miles south east of Malta Bend, said Purcell bore a good reputation, had never heard of any trouble Purcell was in except shooting.

JOHN H. HIGGINS.

John H. Higgins recalled, stated Purcell bore a good reputation, denied knowing any thing to the contrary.

SAM'L STORY.

Sam'l Story stated he knew Purcell to have a good reputation; lived near Kaiser's bridge in tent for two years, then moved to Malta Bend; never did hear anyone say anything bad about Purcell, said he didn't know what people said about Purcell.

E. E. BARNETT.

E. E. Barnett druggist of Miami, stated Purcell went to school to him one year, knew his reputation to be good in Miami, three years ago. Denied any knowledge of his reputation in Malta Bend.

HENRY BURE.

Henry Bure, mayor of Miami, had known Purcell all his life, testified to Purcell's good reputation in Miami. Stated that Miami was 15 miles away from Malta Bend.

JAMES VAUGHAN.

James Vaughan, implement and lumber deal-

er in Miami, stated Purcell's reputation was good in that town. Didn't know his reputation in Malta Bend.

WILLIAM BISHOP.

William Bishop of Miami, used to see "Purcell every day three or four years ago." When asked whether his reputation was good or bad by Attorney Ruff, he insisted upon answering different from yes or no and stating which it was. Judge Rich explained to him what kind of an answer was expected but the old gentlemen insisted on qualifying his answer. Becoming disgusted, the old man flatly denied that he knew what it was.

On account of sickness of one of the members of the jury, court adjourned at 4:15 p. m. till Monday morning at nine o'clock.

MONDAY MORNING.

On Monday morning court was called to order at 9:05, and testimony for the defense resumed. Capt. Wilson, the first witness called, testified that defendant on his arrival at the jail was examined and he saw that one of Purcell's eyes was blackened.

CHARLES FRANKLIN RECALLED.

Charles Franklin, witness for the state, was recalled and asked that if on Saturday morning he didn't meet Tom and Percy Purcell at stairway between Brown's and Franklin's. Denied same, and further denied that he had said that Bailey was as well fixed for Purcell as the Purcells were for him.

CHARLES HAGGARD RECALLED.

Charles Haggard was recalled and testified that he heard Carl Wilson crying "Hang him, hang him!" on night of March 10th.

THOS. PURCELL.

Thos. Purcell denied that he had ever met Otte on street that night. Cross examined, witness declared there was no other man in that neighborhood by name of Bailey.

HENRY BOLDEN.

Henry Bolden was recalled, testified that he knew Ernest Fulton; denied seeing Fulton on Saturday or Sunday, or that he had said to him, "All he knew about it was that Purcell killed Bailey."

JOHN T. LINE RECALLED.

John T. Line recalled, testified to knowing Lawrence Otte; stated he knew the general reputation of Otte to be bad.

JAMES SCHOOLEY.

James Schooley testified to knowing Lawrence Otte, and that his general reputation for truth and veracity was bad. Asked when he had heard Eb Rozell say Otte's reputation was bad; stated Rozell said Friday that he would not believe him (Otte) under oath.

WILLIAM O. HAGGARD.

Wm. Haggard, acquainted with Otte; Otte's reputation was bad, so far as he knew.

ENOCH COX.

Enoch Cox recalled and testified Otte's reputation for truth and veracity was bad.

EB ROZELL.

Eb Rozell testified to 20 years acquaintance with Otte; stated he was a brother-in-law, and that Otte's general reputation for truth and veracity was bad.

PERCY PURCELL.

Percy Purcell, testified that on Saturday morning at stairway between Franklin and Brown's, he heard Charlie Franklin say that

Bailey said he was fixed for the Purcells as well as they were for him.

CARL WILSON.

Carl Wilson asked if he had said in his father's store before Baird Maxwell that if Wm. Haggard testified anything against Bailey, he would smash him in the mouth.

BAIRD MAXWELL.

Baird Maxwell stated he did not overhear conversation in Wilson's store, then said conversation was held at side of Jeter's store, then didn't know whether or not Carl Wilson was present.

QUINCY BLOSSER.

Quincy Blosser, had known Otte for 20 years and knew Otte's general reputation for truth and veracity to be "not extra good."

EB ROZELL RECALLED.

Eb Rozell, had lived in Malta Bend four years before going to Kansas, had known Mrs. Annie Harrison for two years, lived across 60 ft street from her restaurant and knew Mrs. Annie Harrison's reputation for chastity, virtue and morality in that neighborhood to be bad. Also knew her daughter's reputation for virtue and chastity to be bad. Questioned as to the defendant, witness stated that he knew the general reputation of Thos. Purcell, as a peaceable and quiet citizen, stated "it had been bad for last six months or year before the killing." Stated that it was the general talk about Mrs. Harrison, which he had testified to, and had heard this talk about six months or a year before she and her daughter left.

REBUTTAL TESTIMONY.

After recess of court, prior to which defense closed its case, Mrs. Nannie Bailey was called to stand. Witness stated she lived in Malta Bend and was the mother of James Bailey, testified that James Bailey left home for the farm which was $2\frac{1}{2}$ miles south-west of town at 10 o'clock in the morning and was not at home at noon Saturday, March 10th. Witness stated that on this day, he went to the farm where he milked and fed and brought the milk home that afternoon, was at home for supper but was not seen by witness again. Stated on cross examination that she had no personal knowledge of where Bailey went, that one could drive to and from farm in two hours but that roads were bad at this time.

JAMES ENYARD.

James Enyard, living $1\frac{1}{2}$ miles south of Malta Bend, saw Bailey on Saturday, March 10th, one half mile from the Bailey farm, between ten and eleven o'clock when witness was going north and Bailey met him going south. Witness stated he had gone to several places near where he lived on Sunday and told the people of the shooting.

CHARLES SCHOOLEY.

Charles Schooley, resident of Malta Bend and manager of stable at which shooting occurred, was at the barn on the morning of March 10th, saw Bailey going north past the barn between ten and eleven o'clock. Knew Mrs. Harrison for a couple of years and that her general reputation for "chastity, virtue and morality" was bad and same was true of her daughter at time she left. Asked as to whether defendant was a "peaceable, quiet citizen" and denied his reputation to be such, but